

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Amendments to Claims

Claim 1 has been amended to recite that the controller includes an internal circuit for generating pulsed voltages, in order to further distinguish the selector switch of the Sarbacher patent, as discussed below.

Support for the recitation of an internal circuit is found in lines 2-19 on page 5 of the original specification, and in particular in line 15 of page 5. As a result, it is respectfully submitted that the amendments do not involve “new matter.”

New claim 19 has been added to even more clearly distinguish Sarbacher by reciting that the controller also includes a power on/off switch.

2. Rejections of Claims 1-4, 6-8, and 10-17 Under 35 USC §102(b), and Rejection of Claim 5 Under 35 USC §103(a), in view of U.S. Patent No. 3,610,250 (Sarbacher)

This rejection is respectfully traversed on the grounds that the Sarbacher patent does not disclose or suggest patents with clustered buttons that not only connect the conductive strips and a **controller**, but that also mount the **controller** by enabling the controller to be plugged directly into the buttons, as illustrated in Fig. 1 and recited in claim 1. Instead of a controller, the Sarbacher patent discloses mounting of a selector switch 61 to the garment, the selector switch being connected to a separate pulse generating controller by wires 69.

In the Official Action, the Examiner indicates that “*The Examiner considers the selector switch plug to be the electro-stimulating controller. . .*” (lines 3-5 on page 3 of the Official Action). While the Applicant respectfully disagrees with the interpretation of switch 61 of Sarbacher as a controller, **claim 1 has been amended to positively preclude such an**

interpretation, by reciting that the controller has “*an internal circuit for generating pulsed voltages and a corresponding set of conductive buttons for coupling with said clustered conductive buttons of said pants.*” The selector switch of Sarbacher clearly does not include a pulsed voltage generating circuit, which is instead disclosed as part of the separate controller 81, as is clear from Fig.10 (showing the pulse generator) of Sarbacher.

By including the pulse generator in a controller that snaps onto the massaging pants, the claimed invention frees the user from being tethered to wires, and having to find a place to mount the controller, thereby increasing the convenience and versatility of the pants while simplifying its construction. Since Sarbacher does not disclose or suggest mounting of a controller containing a pulsed voltage generator in the manner recited in claim 1 (much less the circuit components specifically recited in claim 4, or the on/off switch of new claim 19), withdrawal of the rejection of claims 1-8 and 10-17 under 35 USC §§102(b) and 103(a) in view of the Sarbacher patent is requested.

3. Rejection of Claims 9 and 18 Under 35 USC §103(a) in view of U.S. Patent Nos. 3,610,250 (Sarbacher) and 3,610,250 (Post)

This rejection is respectfully traversed on the grounds that the Post patent, like the Sarbacher patent, fails to disclose or suggest patents with clustered buttons that connect the conductive strips to a controller, and that also mount the controller by enabling the controller to be plugged directly into the buttons, as recited in claim 1, from which claims 9 and 18 depend. Instead of a controller that plugs into a garment, Post discloses soldering of components directly onto a fabric, or integrating passive electrical components directly into textiles using threads having selected electrical properties (see, the Abstract of Post).

While the integration of components and fabric taught by Post might be convenient, it is hardly suggestive of the claimed controller, and in particular does not reasonably suggest modification of the garment of Sarbacher to include the claimed plug-in controller. If anything, Post *teaches away* from a plug-in controller, suggesting integration of components into the fabric

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rather than plug-in components. As a result, withdrawal of the rejection of claims 9 and 18 under 35 USC §103(a) is requested.

Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to be 'B. Urcia', with a long horizontal line extending to the right.

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